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# Water Proposal Puts U.S. Mediator in Spotlight

Deadline nears for agreement to shift state's Colorado River surplus from farms to cities.

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Bennett Railey, a slow-talking Coloradan in cowboy boots, has his hands on the faucet that sends water from the Colorado River to Southern California. He seems ready and willing to shut it off, which is scaring the cities and infuriating the farms that are competing for the precious resource.

Southern California's urban waterworks and rural irrigation districts are trying to agree on a formula for weaning themselves from the extra Colorado River water the state has been using beyond its historic allotment.

That means a reduction of 15% to 20% by 2018.

As the Bush administration's assistant interior secretary for water and science, Railey promises to enforce a Judgment Day of Dec. 31. If the water systems reach agreement by then, the surplus they now rely on will dry up at a manageable pace over 15 years.

If they don't, it could disappear overnight — and a new dispute will erupt over how to divvy up the smaller amount.

The loss of the Colorado River surplus water in 2003 would likely result in a serious water shortage for the region, particularly if the current dry spell turns into a prolonged drought.

On the table is a complex deal that would transfer water from Imperial Valley farms to urban users in San Diego County. The transfer, if approved, would help



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**WATER WAR:** Interior's Bennett Railey says he won't use his authority to impose a deal.

reduce the overall amount of water the region takes from the Colorado.

But the Imperial Irrigation District has yet to approve the transfer, which would pay farm-

ers \$256 to \$400 per acre-foot of water — they pay only \$15.50 per acre-foot — and have them fallow up to 30,000 acres of land each year.

As many farmers see it, the deal would enrich a few but ruin the area's rural economy and agrarian way of life.

Those who would like to see the transfer are putting their faith in Railey, who combines the power of Washington with a rural sensibility.

"It takes somebody bigger than us to look at the situation and resolve it," said Ron Gestelum, president and chief executive of the Los Angeles-based Metropolitan Water District, which supplies water to almost 18 million people in Southern California. "Real leadership will have to come to the table."

But Railey, guided by the administration's philosophy that [See Water, Page B8]

## States' Water Dispute Puts Mediator in the Spotlight

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the states should solve their own problems, says he won't use his authority to impose a deal. "It is up to California," Railey said in an interview. "We're going to give them maximum opportunity to

come to their own solutions."

Failing that, he said, Interior Secretary Gale Norton will enforce "the law of the river."

By decree of the U.S. Supreme Court, the Interior secretary is the "water master" of the

Colorado River and has the right to solve most disputes between the seven Western states that divert water from the Colorado.

Because California has taken more than its fair share of the river for so many years, the other six states have been pressuring federal officials to rein in California now rather than later.

But the cities' unhappiness is nothing compared with that of the rural irrigation districts. Cautiously, they complain that Railey, his background notwithstanding, is biased against them.

Railey, 44, says it's preposterous to call him biased against rural interests. He grew up outside the tiny town of Norwood, Colo., which was about 60 miles from the closest street light. His first job was herding sheep for a local rancher when he was 11.

Years later, as a water lawyer in private practice, he represented a Colorado irrigation district in a dispute with an urban water system over water rights. And now he represents an administration whose political base is largely rural and suburban America.

A rancher's jacket, rather than a trench coat, hangs from the coatrack in his Washington, D.C., office. The room is full of furniture that Railey built with his own hands — a desk, several tables, chests and picture frames.

His favorite family vacations are backpacking and fly fishing in Wyoming or camping on the beach on Washington's Olympic Peninsula. Even his posture sug-

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gests his rural roots. When the conversation turns intense, he props his elbows on his lanky, widespread legs.

"I understand the fears of Imperial Valley, very much so," Railey said.

Andy Horne, one of the commissioners of the Imperial Irrigation District, is well aware of Railey's roots.

"I would have assumed that Mr. Railey, given his background, would have more sympathy for agricultural water use," Horne said. "But it seems like he has unfairly laid the burden of this deal on Imperial Irrigation District's doorstep, when it is the urban water agencies that have created the overdraft."

Before signing on to any deal, the Imperial Irrigation District wants assurances from Railey that the federal government will not take any more water away from the valley, as it has threatened to do in the past, on grounds that Imperial is not using the resource efficiently.

"A lot of that depends on Mr. Railey," Horne said. "If he doesn't give us the assurances before the end of the year, we will not sign this agreement, in my opinion."

Railey has expressed no sym-

pathy for what Imperial sees as its plight. Water exchanges such as the one being considered in Southern California are commonplace elsewhere in the West, he said. Besides, the deal being offered is a good one.

"I think [Imperial] should take it and run with it," Railey said.

Railey did not make up the Dec. 31 deadline. He inherited it from the past administration, which brokered a deal between California and the six other states with rights to Colorado River water. That deal allowed California to slowly ramp down its use of excess Colorado River water over 15 years.

The goal was to allow the huge state time to develop other water sources and to become a more efficient consumer. One condition was that the California agencies that compete for the water had to agree on a plan by the end of this year.

Railey makes no secret that the Imperial Irrigation District, the only agency of four still resisting the proposed deal, will face "enormous scrutiny" if it refuses to sign on. If it is determined that any water is wasted, he said, changes will be made to

the way the water is allocated.

One thing seems certain: The other six states that receive water from the Colorado are not going to take the pressure off California. Any sympathy they might have felt has withered in four years of little rain.

"At the end of a four-year drought, the patience in the other states with a further slip-slide of deadlines is almost zero," Railey said.

Not all Californians who have dealt with Railey have been unhappy with him. Assemblyman Bob Hertzberg (D-Sherman Oaks), former speaker of the lower house, has nothing but praise.

"He's taken a hard line, but that's the right thing to do, because we've got a problem and we've got to solve it," said Hertzberg, who moderated two months of negotiations that resulted in a tentative agreement.

Hertzberg, a partisan Democrat who said he is not accustomed to praising Republicans, was one of several California officials who lauded Railey and his team for their knowledge of water issues.

"These guys get the water world," he said.

Hertzberg also was surprised that despite all the talk of bad blood between the Bush administration and California, there were no tensions.

"They've been great," he added. "I'm flabbergastedly happy about it."

Times staff writer Steve Hyman contributed to this report.

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